



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,676	10/19/2001	Thomas W. Jacobs		7305

7590 02/07/2003

RAMON L. PIZARRO
Suite 200
3515 SOUTH TAMARAC DRIVE
DENVER, CO 80237

EXAMINER

RADA, ALEX P

ART UNIT	PAPER NUMBER
----------	--------------

3714

DATE MAILED: 02/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,676

Applicant(s)

JACOBS ET AL.

Examiner

Alex P. Rada

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by LeVasseur '789.

4. LeVasseur discloses a multiple action blackjack (twenty one) card game having at least two dealer hand positions (figure 1), a single player hand position (figure 1), a wager placement positions corresponding with each dealer hand position (figure 1), crediting the player for a wager placed in each wager position, dealing a pair of cards to a the player to create a player hand, dealing cards to the player at the request of the player to create a player hold hand, dealing

Art Unit: 3714

cards to each dealer based on the dealer hold criteria to create a dealer hold hand for each dealer, comparing the player hold hand to each dealer hold hand to determine if the player hold hand wings over any of the dealer hold hands and crediting the single player for each dealer hold hand that is beat by the player hold hand and crediting the casino for each dealer hold hand is not beat by a player hold hand, and carry out multiple games of blackjack based on the player hold hand.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeVasseur '789 in view of Vuong '552.

7. LeVasseur discloses creating more than one player hands at a players request as recited in claim 4 and further discloses the claimed invention as discussed above except for a display screen at a gaming location and displaying the dealer hand positions and the player hand position on the display screen as recited in claim 2; a processor at a remote location connected to the display screen by a network, and processing the dealer hold criteria with the use of the processor as recited in claim 3; the cards are randomly selected from at least one electronic card deck containing all of the cards not on display on the display screen as recited in claim 5. Vuong teaches a display screen at a gaming location and displaying the dealer hand positions and the player hand position on the display screen, a processor at a remote location connected to the

Art Unit: 3714

display screen by a network, and processing the dealer hold criteria with the use of the processor, and the cards are randomly selected from at least one electronic card deck containing all of the cards not on display on the display screen. By having remote play of a game, one of ordinary skill in the art would be able to play game from the comfort of your own home. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify LeVasseur to include a display screen at a gaming location and displaying the dealer hand positions and the player hand position on the display screen, a processor at a remote location connected to the display screen by a network, and processing the dealer hold criteria with the use of the processor, and the cards are randomly selected from at least one electronic card deck containing all of the cards not on display on the display screen as taught by Vuong, since it has been held that broadly providing a mechanical or automatic means to replace manual activity, which has accomplished the same result, involves only routine skill in the art. To do would allow game players to play different types of game within the comfort of your own home.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over LeVasseur '789 in view of Vuong '552 as applied to claims 1-5 above, and further in view of Sardarian '300.

9. LeVasseur in view of Vuong disclose the claimed invention as discussed above except for the bonus hand identity. Sardarian teaches a blackjack game having a bonus hand identity (wild card). By having a wild card, one of ordinary skill in the art would be able to provide game players with a greater chance at a bigger payout. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify

LeVasseur/Vuong to include a bonus hand identity as taught by Sardarian. To do so would be able to provide game players with an increased payout outcome.

10. Claims 7-10 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeVasseur `789 in view of Vuong `552.

11. LeVasseur discloses a multiple action blackjack (twenty one) card game having at least two dealer hand positions (figure 1), a single player hand position (figure 1), a wager placement positions corresponding with each dealer hand position (figure 1), crediting the player for a wager placed in each wager position, dealing a pair of cards to a the player to create a player hand, comparing the player hold hand to each dealer hold hand to determine if the player hold hand wings over any of the dealer hold hands and crediting the single player for each dealer hold hand that is beat by the player hold hand and crediting the casino for each dealer hold hand is not beat by a player hold hand, and carry out multiple games of blackjack based on the player hold hand as recited in claims 7 and 12 and creating more than one player hands at a players request as recited in claims 9 and 14. LeVasseur does not expressly disclose a display, an electronically dealing cards to the player at the request of the player to create a player hold hand and electronically dealing cards to each dealer based on the dealer hold criteria to create a dealer hold hand for each dealer as recited in claims 7 and 12; the processor programmed for carrying out the dealer hold criteria with the use of the processor as recited in claim 13; providing a memory and a processor at a remote location connected to the display screen by a network, and processing the dealer hold criteria with the use of the processor and the memory as recited in claim 8; the cards are randomly selected from at least one electronic card deck containing all of the cards not on display on the display screen as recited in claims 10 and 15. Vuong teaches a display, an

Art Unit: 3714

electronically dealing cards to the player at the request of the player to create a player hold hand and electronically dealing cards to each dealer based on the dealer hold criteria to create a dealer hold hand for each dealer, providing a memory and a processor at a remote location connected to the display screen by a network, and processing the dealer hold criteria with the use of the processor and the memory, and cards that are randomly selected from at least one electronic card deck containing all of the cards not on display on the display screen. By having remote play of a game, one of ordinary skill in the art would be able to play game from the comfort of your own home. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicants invention was made to modify LeVasseur to include a display, an electronically dealing cards to the player at the request of the player to create a player hold hand and electronically dealing cards to each dealer based on the dealer hold criteria to create a dealer hold hand for each dealer, providing a memory and a processor at a remote location connected to the display screen by a network, and processing the dealer hold criteria with the use of the processor and the memory, the processor programmed for carrying out the dealer hold criteria with the use of the processor, and cards that are randomly selected from at least one electronic card deck containing all of the cards not on display on the display screen as taught by Vuong, since it has been held that broadly providing a mechanical or automatic means to replace manual activity, which has accomplished the same result, involves only routine skill in the art. To do would allow game players to play different types of game within the comfort of you own home.

12. Claims 11 and 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over LeVasseur `789 in view of Vuong `552 as applied to claims 7-10 above, and further in view of Sardarian `300.

Art Unit: 3714

13. LeVasseur in view of Vuong disclose the claimed invention as discussed above except for the bonus hand identity. Sardarian teaches a blackjack game having a bonus hand identity (wild card). By having a wild card, one of ordinary skill in the art would be able to provide game players with a greater chance at a bigger payout. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify LeVasseur/Vuong to include a bonus hand identity as taught by Sardarian. To do so would be able to provide game players with an increased payout outcome.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Williams '311 discloses a player making one wager to play two or more five-card poker hands.

Rowe '023 discloses a physical card game or electronically simulated card game in which each of one or more players received cards, which define two or more card hands.

Josephs '993 and '949 discloses a modified twenty-one wagering game in which a player can increase his wager in advantageous situations.

DeFranco '075 discloses a blackjack-type card game where each player receives a four playing card array arranged in a square with two of the cards face-up and two face down.

Ferguson '405 discloses a method of simultaneously playing multiple hands of poker game dealt from a single deck provided.

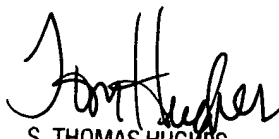
Art Unit: 3714

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

APR
apr
February 4, 2003


S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700